



Department of Justice

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FORMER FIRSTENERGY NUCLEAR OPERATING COMPANY EMPLOYEE SENTENCED FOR LYING TO THE NUCLEAR REGULATORY COMMISSION

WASHINGTON—David Geisen of DePere, Wisc., was sentenced today to four months of home confinement with electronic monitoring for making false statements and misleading the Nuclear Regulatory Commission (NRC) about the quality of past inspections of the reactor-head at the Davis-Besse Nuclear Power Station during the fall of 2001, the Justice Department announced.

U.S. District Court Judge David A. Katz, sitting in the Northern District of Ohio, handed down the sentence which also includes three years of probation, 200 hours of community service and a \$7,500 fine. During his probation, Geisen is barred from working for any organization holding a license from the NRC.

Geisen was convicted by a jury on Oct. 30, 2007, of using material false writings and concealing material information in responses to a safety bulletin issued by the NRC in the summer of 2001. The bulletin focused on nozzles that were part of the system that would lower control rods into the power plant's reactor core. It asked the commercial operators of the 69 pressurized water reactors to address the risk that these nozzles could crack. Such cracks had the potential to grow and cause a dangerous "loss of coolant accident" or LOCA. The operators also were asked to detail any recent inspections of their reactor vessel heads. Such inspections, if done properly, could have revealed signs of nozzle cracking. Several plants similar to Davis-Besse had discovered cracked nozzles in the month preceding the NRC bulletin.

The FirstEnergy Nuclear Operating Company (FENOC) answered the NRC's bulletin in early September 2001. That answer led to follow-up questions by the commission's staff, including questions related to past inspections. As the jury found, Geisen lied in response to the NRC's bulletin and during oral presentations to the NRC. His deception came at a time when FENOC was trying to make the case that Davis-Besse could safely finish out a fuel cycle without stopping for special nozzle inspections.

Geisen was convicted of three counts of a five-count indictment, including a count involving photo captions he wrote that purported to show the effectiveness of past inspections, but which failed to show "mountains" of boric acid and other impediments that made a successful visual inspection of the reactor head impossible.

“As our nation enters a period of increased reliance on nuclear energy, those holding or applying for NRC licenses must give the commission forthright, complete, and accurate information. Rather than meet those standards, Mr. Geisen concealed the results of head inspections at the Davis-Besse plant,” said Ronald J. Tenpas, Assistant Attorney General for the Justice Department’s Environment and Natural Resources Division. “Today's sentence demonstrates that such breaches of trust will be investigated fully by the NRC and prosecuted fully by the Justice Department and U.S. Attorneys’ Offices.”

Geisen’s sentence marks the conclusion of the first trial related to FENOC’s fall 2001 responses to the NRC. A second trial—of Reactor Coolant System Engineer Andrew Siemaszko on the same charges—begins in August.

The investigation of this case began when engineers discovered a pineapple-sized corrosion hole in Davis-Besse’s carbon steel reactor head. An NRC Augmented Inspection of Davis-Besse, conducted to determine the cause of the cavity, uncovered irregularities in FENOC’s bulletin responses that were turned over to the Office of Investigation for further review.

The case was investigated by Special Agents Joseph Ulie and Michele Janicki of the NRC’s Office of Investigation, together with James Gavula, Senior Reactor Inspector. It was prosecuted by Assistant U.S. Attorney Christian Stickan of the U.S. Attorney’s Office for the Northern District of Ohio together with Richard Poole, Senior Trial Attorney, and Thomas T. Ballantine, Trial Attorney, of the Justice Department’s Environmental Crimes Section.

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